

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5921 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

S.V.CHAUDHARI & 8

Versus

DIRECTOR OF TECHNICAL EDU & 9

Appearance:

MR RN SHAH for Petitioners

SERVED for Respondent No. 1, 2, 3, 4, 5, 6, 7, 8, 9,10

CORAM : MR.JUSTICES S.K.KESHOTE

Date of decision: 28/02/96

ORAL JUDGEMENT

The petitioners who were working at various Government Engineering Colleges in the State of Gujarat as Assistant Professors in Civil Engineering have filed this petition before this Court in which it is prayed that the respondents may be directed to fill up the posts of professors in Civil Engineering in Gujarat by maintaining the ratio of 1:1 and, that the waiting list

which has been prepared as per the advertisement dated 15.6.1986 be quashed and set aside. The further prayer made is for quashing of the order Annexure-C. Annexure-D under which Shri R.J. Dave has been appointed as Professor against the direct recruitment quota has also been challenged.

The learned counsel for the petitioners is unable to make out a case before this Court as to how the quota has been violated and how the petitioners' rights are being affected. The petitioners may be aspirant of the promotion and as such their claim can only be restricted to the extent of the posts of promotions in case excess recruitment is made in the direct recruitment quota. But that is not the case here. The quota has to be maintained. From the reply which has been filed by respondent no. 1 it comes out that more appointments were made than the prescribed quota of the promotion in the year 1986. After 1986, the recruitments made by the direct recruitment were of the 2 persons. As against that 11 promotions have been given. From the reply of the respondent no.1, it comes out that in the promotion quota more appointments have been made. The respondent no. 5 filed reply in the writ petition and in the reply he stated the fact that none of the applicants has applied for the posts of Professor which has been advertised vide advertisement dated 15.6.1987. When they were not candidates for direct recruitment, the petitioners have no right to challenge the appointment of respondent no. 5 or the appointment of Shri J.G. Bhatt. This factual averment made in the reply by the respondents has not been controverted by the petitioners. In view of the fact that the excess promotions have been made then to the quota available for the same, none of the legal or fundamental rights of the petitioners is affected by the appointment of the respondent no. 5 made by the direct recruitment.

In the result, this special civil application is dismissed. Rule is discharged. No order as to costs.
